S.B.CRIMINAL MISC. PETITION NO.772/2007
(Suresh Chandra Vs. State of Raj. & Anr.)

Date of order : : 29.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Sandeep Mehta, for the petitioner.

Heard learned counsel for the petitioner.

Learned Additional Chief Judicial Magistrate, Bhilwara vide its order dated 11.7.2006 has dismissed the application filed by the petitioner for stopping the criminal proceedings for offence under Section 138 of the Negotiable Instruments Act. Against the said order, the petitioner preferred revision petition before the learned Additional Sessions Judge (Fast Track) No.1, Bhilwara which has also been dismissed on 4.5.2007.

Learned counsel for the petitioner states that petitioner has already deposited money of rent due in the Rent Control Tribunal as well as in the trial court. Both the courts below have not considered this aspect of the matter in true perspective.

I have considered the submissions advanced by learned counsel for the petitioner and also gone through the orders impugned. I do not find any ground to interfere with the order passed by both the courts below. However, the trial court shall consider the fact that petitioner has deposited money in both the forum at the time of final disposal of the case.

With the above observation, this misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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